

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
(EASTERN DIVISION)
Civil Action No. _____

SYLLA BANGALY, Administrator of)
the Estate of HAWA SISSOKO, Deceased) FILED: APRIL 9, 2009
) 09CV2197
Plaintiffs,) JUDGE DER-YEGHIAYAN
) MAGISTRATE JUDGE ASHMAN
v.) BR
ALFRED C. BAGGIANI, ROADWAY)
EXPRESS, INC. and)
YRC WORLDWIDE, INC.)
Defendants.)

)

NOTICE OF REMOVAL

COME NOW Alfred C. Baggiani, Roadway Express, Inc., and YRC Worldwide, Inc., Defendants in the above-captioned action, and hereby remove Civil Action No. 2009-L-002542, filed in the Circuit Court of Cook County, Illinois (the “Cook County Action”) from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois, Eastern Division, and show the Court as follows:

1. Plaintiff filed the Cook County Action on March 3, 2009.
2. Defendants Roadway Express, Inc. and YRC Worldwide, Inc. were served with a Summons and Complaint on March 10, 2009.
3. Defendant Baggiani has not been served in this matter.
4. Plaintiff is a resident of the State of Illinois.
5. Defendant Roadway Express, Inc. is a Delaware corporation having its principal

place of business located at 1099 Roe Avenue, Overland Park, Kansas 66211.

6. Defendant YRC Worldwide, Inc. is a Delaware corporation having its principal place of business located at 1099 Roe Avenue, Overland Park, Kansas 66211.

7. Defendant Baggiani is a resident of the State of Indiana, and has been domiciled in Indiana since August 2007. (*See* Declaration of Alfred C. Baggiani, attached hereto as Exhibit "A")

8. Plaintiff's claims arise from a fatal motor vehicle collision occurring in the State of Indiana, and the Plaintiff estate claims to have suffered "substantial pecuniary loss including the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, love and support of Hawa Sissoko, Deceased."

9. In addition, the Plaintiff estate claims that the Decedent, Hawa Sissoko, "sustained severe and permanent injuries and also suffered great pain and anguish, both in mind and body as a proximate result of the catastrophic injuries that she sustained in the collision involving the Defendants' 2003 Volvo tractor."

10. Based on the allegations in the Complaint, it is more likely than not that the amount in controversy in this matter exceeds \$75,000.

11. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332 because the real parties in interest are citizens of different states and the amount in controversy exceeds \$75,000.

12. This Notice of Removal is filed with the Court within thirty (30) days of receipt of the Cook County Complaint by Defendants.

13. Each Defendant consents to the removal of this action.

14. True and correct copies of the pleadings filed in the Cook County Action are attached hereto as Exhibit "B."

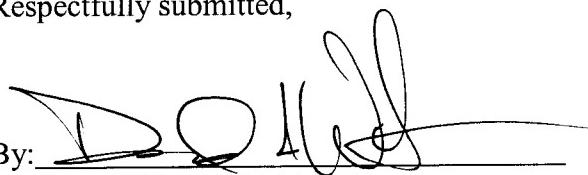
15. The United States District Court for the Northern District of Illinois, Eastern Division, is the appropriate Court to which this action should be removed because it is in the judicial district of the United States in which the action is pending.

16. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be filed with the Clerk of the Circuit Court of Cook County, and written notice thereof will be given to Plaintiff.

WHEREFORE, Defendants hereby remove the above-captioned matter now pending in the Circuit Court of Cook County to this Court. Consequently, no further proceedings in this action may be had before the Circuit Court of Cook County.

Respectfully submitted, this 9 day of April, 2009.

Respectfully submitted,

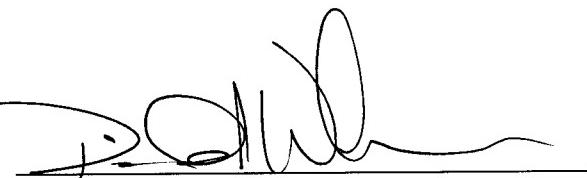
By: 
David A. Wilson (#6244138)

BOKOTA EHRHARDT McCLOSKEY
WILSON & CONOVER, P.C.
9211 South Broadway
Merrillville IN 46410
Tel: (219) 756-7901
Fax: (219) 759-7902

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 2009 I filed the foregoing with the Clerk of the Court. I hereby certify that I have mailed by United States Postal Service the documents to the following non CM/ECF participants:

Lawrence T. Ruder
GOLDBERG WEISMAN CAIRO
One East Wacker #3800
Chicago IL 60601



David A. Wilson (#6244138)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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SYLLA BANGALY, Administrator of)
the Estate of HAWA SISSOKO, Deceased)
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Plaintiffs,)
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v.)
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ALFRED C. BAGGIANI, ROADWAY)
EXPRESS, and YRC WORLDWIDE, INC.)
)

Defendants.)
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DECLARATION OF ALFRED C. BAGGIANI

Alfred C. Baggiani hereby makes this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

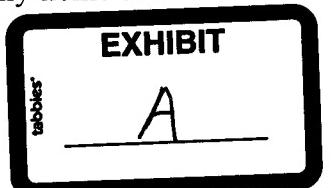
1. My name is Alfred C. Baggiani. I am over the age of twenty one (21), and I am suffering under no disability that will prevent me from giving this declaration. I make this Declaration based on my personal knowledge, knowing it will be used in the above-styled case.

2. In August of 2007, I moved from my former residence in Midlothian, Illinois, to my current residence in Chesterton, Indiana.

3. It is my full intention to remain in Indiana, and I consider Indiana to be my permanent home.

4. While I still own my former home in Illinois, I have spent no more than three nights total in that home since moving to Indiana in August of 2007.

5. It is also my full intention to sell my former home in Illinois. However, due to the depressed state of the housing market, it is impossible at this time for me to sell my home at a



fair price. In November 2006, the home appraised for \$190,000.00. Comparable houses in the neighborhood are currently valued at or priced substantially below this appraised value. In fact, owners of comparable houses in the neighborhood have been receiving offers no higher than \$110,000 for their homes. I simply cannot afford to sell the home in the current market.

6. I discontinued cable service and long distance telephone service in the Illinois home, and currently maintain only the most basic utilities in the home in order to avoid problems such as frozen pipes in the winter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2009.



ALFRED C. BAGGIANI

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

SYLLA BANGALY, Administrator of)
the Estate of HAWA SISSOKO, Deceased)
Plaintiffs,) Civil Action No. 09-L-002542
v.)
ALFRED C. BAGGIANI, ROADWAY)
EXPRESS, INC. and)
YRC WORLDWIDE, INC.)
Defendants.)

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NOTICE OF REMOVAL

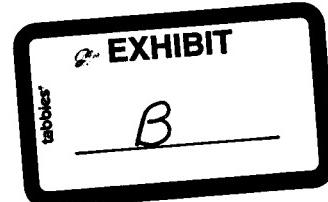
TO: Lawrence T. Ruder
GOLDBERG WEISMAN CAIRO
One East Wacker #3800
Chicago IL 60601

Defendants, Alfred Baggiani, Roadway Express, inc., and YRC Worldwide Inc., by
counsel, David A. Wilson, give notice that they have filed a Notice of Removal with the United
States District Court for the Northern District of Illinois, Eastern Division, removing the action
filed on March 3, 2009, by Plaintiff in the Circuit Court of Cook County to the United States
District Court for the Northern District of Illinois. A copy of the Notice of Removal is attached.

Respectfully submitted, this ___ day of April, 2009.

By: 
David A. Wilson (6244132)

David A. Wilson
Bokota Ehrhardt McCloskey
Wilson & Conover Firm No. 42045
9211 S. Broadway
Merrillville, IN 46410
Tel: 219-756-7901
Fax: 219-756-7901



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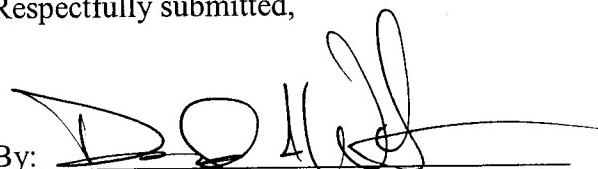
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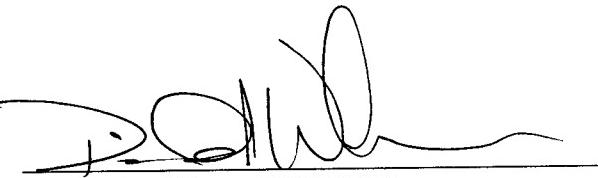
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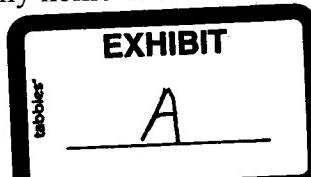
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